


01  
02 UNITED STATES DISTRICT COURT  
03 WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

04 ROBERT H. SMITH, ) CASE NO. C08-0235RSL  
05 )  
06 Petitioner, )  
07 )  
08 v. ) ORDER DENYING PETITIONER'S  
09 ) HABEAS PETITION WITH  
10 ROBERT J. PALMQUIST, ) PREJUDICE  
11 )  
12 Respondent. )  
13 \_\_\_\_\_ )

14 The Court, having reviewed petitioner's petition for writ of habeas corpus, the Report and  
15 Recommendation of Mary Alice Theiler, United States Magistrate Judge, and the remaining  
16 record, does hereby find and Order:

- 17 (1) The Court adopts the Report and Recommendation;  
18 (2) Respondent's motion for summary judgment is GRANTED, Petitioner's cross-  
19 motion for summary judgment is DENIED, and this action is DISMISSED with  
20 prejudice; and,  
21 (3) The Clerk is directed to send copies of this Order to petitioner and to Judge  
22 Theiler.

Dated this 3rd day of September, 2008.



Robert S. Lasnik  
United States District Judge